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**UNITED STATES DISTRICT COURT  
DISTRICT OF OREGON  
MEDFORD DIVISION**

EDWARD FISHER AND RENEE S. FISHER,

No. 10-CV-03079-CL

Plaintiffs,

v.

BANK OF AMERICA HOME LOANS,

Defendant.

**DEFENDANT BANK OF AMERICA  
HOME LOANS' MOTION FOR AN  
EXTENSION OF TIME TO FILE A  
RESPONSE OR ANSWER TO THE  
ORIGINAL PETITION**

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**I. LR 7.1 CERTIFICATION**

Pursuant to L.R. 7.1(a)(1)(A), the undersigned counsel has attempted to confer in good faith with Plaintiffs regarding this Motion.

However, after attempting to confer by phone, an agreement could not be reached with Plaintiffs regarding this Motion so it is presumed opposed.

**II. MOTION**

Pursuant to FRCP 6(b), defendant Bank of America Home Loans respectfully moves the Court for a 30-day extension of time to file a response or Answer to Plaintiffs' Original Petition.

DEFENDANT BAHL'S  
MOTION TO EXTEND TIME TO  
FILE A RESPONSE - 1

The case register reflects that Plaintiffs filed their “Original Petition” in this matter on August 18, 2010, instituting this action against Bank of America Home Loans.

Further, the case register shows that on September 13, 2010, Plaintiffs filed their “Petition For No Answer Default” seeking an order of default against Bank of America Home Loans for its failure to file an appearance or response to the complaint in this matter. The proof of service filed by Plaintiffs in support of their Petition for a No Answer Default indicates that “Bank of America Home Loans Servicing L.P.” was served with process in this matter on August 20, 2010; however, no such entity “Bank of America Home Loans Servicing L.P.” maintains a registered agent in Oregon. Bank of America Home Loans is a business name of BAC Home Loans Servicing, L.P.

BAC Home Loans Servicing L.P. does maintain a registered agent in Oregon. Assuming that service of the Original Petition and Summons in this matter on August 20, 2010 was valid, and that the summons was valid, an Answer or response was due September 10, 2010. Further time is needed to ascertain whether service is valid, or whether Plaintiffs will accept a late waiver of service from Defendant.

Defendant’s counsel was referred this matter today, September 14, 2010, for defense, and had no actual knowledge of the pendency of the suit prior to today.

Plaintiffs’ Original Petition is quite verbose, and at 24 pages in length it attempts to state myriad claims and theories requiring further investigation. Time is required to investigate the substance of Plaintiff’s allegations, to determine whether a motion or Answer is warranted as a responsive pleading, and to consider the possibility of any settlement/ADR options with Plaintiffs at the outset.

Bank of America Home Loans intends to abide by the preliminary injunction entered in this matter and will not sell the subject real property during the pendency of the injunction or so direct the trustee (the entity responsible for conducting the sale).

Therefore, Defendant moves the Court for an order extending the time to file a response or Answer to Plaintiffs' Original Petition by 30 days, or from September 10, 2010 to October 10, 2010.

This Motion is brought in good faith and not for purposes of delay.

Dated this 14<sup>th</sup> day of September, 2010.

ROUTH CRABTREE OLSEN, P.C.

By /s/ Ian Kyle  
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**CERTIFICATION OF SERVICE**

I hereby certify that I served a true and correct copy of Defendant Bank of America Home Loan's Motion to Extend Time to File a Response to the parties listed below on this 14<sup>th</sup> day of September, 2010 via ECF.

ROUTH CRABTREE OLSEN, P.C.

By /s/ Ian Kyle

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